

Message Text

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21

ACTION EA-09

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FM USLO PEKING

TO SECSTATE WASHDC 5044

INFO AMCONSUL HONG KONG

AMEMBASSY TOKYO

CINCPAC FOR POLAD

C O N F I D E N T I A L PEKING 0114

E.O.11652: GDS

TAGS: ESTC, CH

SUBJECT: EXPORT CONTROL REQUIREMENTS FOR VIDEO TAPE SALES TO CHINA

REF: 75 PEKING 1889, HONG KONG 542

1. IF AMBEX HAS ACCURATELY REPORTED SITUATION, WE SHARE THE CONCERN IN HONG KONG 542. WE FEEL THAT THERE IS LITTLE CHANCE THAT THE PRC WOULD AGREE ORALLY TO A NEW REQUIREMENT AND NONE THAT IT WOULD AGREE IN WRITING. ON THE OTHER HAND, IT IS LIKELY THAT AMPEX TECHNICIANS WILL BE ALLOWED TO VISIT PEKING FOR INSTALLATION OF THE EQUIPMENT IF NOTHING IS SAID ON THE SUBJECT. THIS HAS BEEN THE CASE WITH OTHER US ELECTRONICS FIRMS AND SHOULD SATISFY OUR DOUBTS ON END-USE.

2. TO US, A MORE SERIOUS MATTER - AGAIN IF AMPEX'S REPORT IS CORRECT - IS THE IMPOSITION OF A NEW END-USE REQUIREMENT AFTER A DEMONSTRATION LICENSE HAS ALREADY BEEN ISSUED. AMPEX HAS REASON TO CONSIDER THAT THE ISSUANCE OF A DEMONSTRATION LICENSE FOR THIS EQUIPMENT LAST FALL WAS PRIMA FACIE EVIDENCE THAT AN EXPORT LICENSE WOULD BE ISSUED UNDER THE PROCEDURES PREVAILING AT THAT TIME, I.E., A LETTER FROM THE PRC

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TO AMPEX. IF A NEW GENERAL END-USE REQUIREMENT ON

EXPORTS TO THE PRC HAS SINCE BEEN IMPOSED, WE FEEL THAT AMPEX SHOULD HAVE RECEIVED TIMELY NOTIFICATION, OTHERWISE IT WOULD HAVE GROUNDS TO COMPLAIN OF BUREAUCRATIC ARBITRARINESS IN THE ADMINISTRATION OF THE EXPORT CONTROL PROGRAM.

3. OVER THE PAST FEW YEARS, THE PRC HAS BECOME USED TO OUR EXPORT CONTROLS AND KNOWS WHAT REQUIREMENTS IT MUST FULFILL FOR U.S. LICENSES. CHANGES IN THE ADMINISTRATION OF THESE CONTROLS HAVE IMPORTANT POLITICAL AS WELL AS ECONOMIC CONSEQUENCES ON OUR RELATIONS WITH THE PRC, WHICH SHOULD BE GIVEN FULL WEIGHT IN REACHING A DECISION. WE WOULD APPRECIATE EARLY NOTIFICATION OF AN IMPENDING CHANGE SO THAT WE CAN ASSESS POSSIBLE EFFECTS ON OUR RELATIONS WITH THE PRC.

4. IF A NEW REQUIREMENT HAS IN FACT BEEN IMPOSED ON EXPORTS TO THE PRC, WE JOIN IN HONG KONG'S REQUEST FOR A WAIVER.
THOMAS

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